Datatreasury Corporation v. Wells Fargo & Company et al Doc. 420

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

DATATREASURY CORPORATION	§	Civil Action No. 2:06-CV-72
PLAINTIFF	§	
vs.	§	Judge David Folsom
	§	
WELLS FARGO & COMPANY, *ET AL.*	§	
DEFENDANTS	§	
	§	

DEFENDANTS KEYBANK NATIONAL ASSOCIATION'S AND KEYCORP'S NOTICE OF DECISION REGARDING STIPULATION

Pursuant to the Court's Order (Dkt. No. 411) dated January 12, 2007 regarding the Defendants' respective motions to sever and stay claims relating to United States Patent Numbers 5,910,988 and 6,032,137 (the "Ballard Patents") pending their reexamination, Defendants KeyBank National Association and KeyCorp (collectively, "Key") respectfully notify this Court of their agreement to the following stipulation proposed in the Order:

> As a condition of the stay, Defendants may not argue invalidity at trial based on one or more prior art printed publications that were submitted by the petitioner in the reexamination proceedings. However, Defendants will be permitted to rely for obviousness on the combination of printed publication reference that was submitted by petitioner in the reexamination with prior art that was not so submitted.

Accordingly, Key requests that all claims relating to the Ballard Patents that have been asserted against them in this lawsuit be stayed pending final outcome of the rexamination of the Ballard Patents.

Dockets.Justia.com

DATED: January 19, 2007

Respectfully submitted,

McKOOL SMITH, P.C.

/s/ Sam Baxter

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ATTORNEYS FOR DEFENDANTS KEYCORP AND KEYBANK NA

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this motion was served on all counsel who have consented to electronic service. Local Rule CV-5(a)(3)(A).

/s/ L. David Anderson
L. David Anderson